

REMARKS

Claims 1-35, 38, 39 and 42-46 are pending in the application and claims 45 and 46 have been withdrawn from consideration. Claims 1, 2, 5, 7, 11, 16-18, 21, 23, 27, 32-35, 38, 39 and 42-44 are rejected under 35 U.S.C. § 102(e) as being anticipated by Kumagai (U.S. Patent Publication No. 2005/0117212; hereinafter "Kumagai"). Claims 12, 13, 28, 29, 38 and 41 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kumagai in view of Chang (U.S. Patent No. 6,862,139; hereinafter "Chang"). Claims 14 and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kumagai in view of Chang and further in view of Goto (U.S. Patent No. 6,822,792; hereinafter "Goto"). Claims 15 and 31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kumagai in view of Takuma (U.S. Patent No. 5,615,045; hereinafter "Takuma"). Claims 4 and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kumagai in view of Chang. Claims 3, 6, 8-10, 19, 22 and 24-26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kumagai in view of Yoshida (U.S. Patent No. 5,066,099; hereinafter "Yoshida") or Watanabe (U.S. Patent No. 5,513,036; hereinafter "Watanabe") or Funazaki (U.S. Patent No. 6,124,969; hereinafter "Funazaki"). Applicant submits the following arguments in traversal of the claim rejections.

Rejection of Claims 1, 2, 5, 7, 11, 16-18, 21, 23, 27, 32-35, 38, 39 and 42-44 under § 102(e) by Kumagai

Rejection of Claims 12, 13, 28, 29, 38 and 41 under § 103(a) over Kumagai in view of Chang

Rejection of Claims 14 and 30 under § 103(a) over Kumagai in view of Chang and further in view of Goto

Rejection of Claims 15 and 31 under § 103(a) over Kumagai in view of Takuma

Rejection of Claims 4 and 20 under § 103(a) over Kumagai in view of Chang

Rejection of Claims 3, 6, 8-10, 19, 22 and 24-26 under § 103(a) over Kumagai in view of Yoshida or Watanabe or Funazaki

Applicant respectfully submit that Kumagai is an improper prior art under 35 U.S.C. § 102(e). Kumagai claims benefit of a PCT filing date of February 4, 2003, for PCT/JP03/01108, and it appears that the Examiner is relying on the PCT filing date to antedate the February 6, 2003 priority date of the present application.

“Under revised 35 U.S.C. 102(e), an international filing date which is on or after November 29, 2000 is a United States filing date if the international application designated the United States and was published by the World Intellectual Property Organization (WIPO) under the Patent Cooperation Treaty (PCT) Article 21(2) in the English language.” MPEP § 706.02(a)(II)(B).

The PCT application, PCT/JP03/01108, however, was not published under PCT Article 21(2) in the English language, as shown in the attached copy of the PCT publication. Therefore, the PCT filing date of February 4, 2003, cannot be the U.S. filing date of Kumagai and Kumagai is not a proper 102(e) reference.

Therefore, claims 1-35, 38, 39 and 42-44 are believed to be patentable.

Applicant notes that the present application has a priority date of February 6, 2003, which precedes the August 13, 2003 publication date of the PCT application. **Applicant hereby perfects priority in the present application by filing a certified translation of the priority document in the present application.**

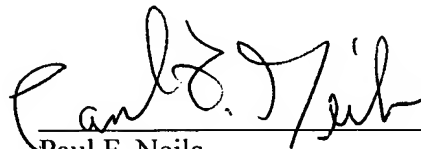
RESPONSE UNDER 37 C.F.R. §1.116
U.S. APPLN. NO.: 10/772,417

ATTY DOCKET NO.: Q79285

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul F. Neils", written over a horizontal line.

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